

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
for
REDUCING PIGEON, STARLING, HOUSE SPARROW, AND CROW DAMAGE
THROUGH AN
INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM
IN THE STATE OF OHIO**

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions may be categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). To evaluate and determine if any potentially significant impacts to the human environment from WS' planned and proposed program would occur, an environmental assessment (EA) was prepared. The EA documents the need for feral pigeon (*Columbia livia*), European starling (*Sturnus vulgaris*), English sparrow (*Passer domesticus*), blackbird {red-winged blackbird (*Agelaius phoeniceus*), brown-headed cowbird (*Molothrus ater*), common grackle (*Quiscalus quiscula*)}, and American crow (*Corvus brachyrhynchos*) damage management (BDM) in Ohio and assessed potential impacts of various alternatives for responding to damage problems. The EA analyzes the potential environmental and social effects for resolving bird damage related to the protection of resources, and health and safety on private and public lands in Ohio. WS' proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on public and private lands in Ohio. Comments from the public involvement process were reviewed for substantive issues and alternatives which were considered in developing this decision.

WS is the Federal program authorized by law to reduce damage caused by wildlife (Act of 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c) and the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, Public Law 100-102, Dec. 27, 1987. Stat. 1329-1331 (7 U.S.C. 426c), and the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001, Public Law 106-387, October 28, 2000. Stat. 1549 (Sec 767). Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife, and is recognized as an integral part of wildlife management (The Wildlife Society 1992). WS uses an IWDM approach, commonly known as Integrated Pest Management (WS Directive 2.105) in which a combination of methods may be used or recommended to reduce damage. WS wildlife damage management is not based on punishing offending animals but as one means of reducing damage and is used as part of the WS Decision Model (Slate et al. 1992, USDA 1997, WS Directive 2.201). Resource management agencies, organizations, associations, groups, and individuals have requested WS to conduct bird damage management to protect resources and human health and safety in Ohio. All WS wildlife damage management activities are in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act of 1973.

Consistency

The analyses in the EA demonstrate that Alternative 2: 1) best addresses the issues identified in the EA, 2) provides safeguards for public health and safety, 3) provides WS the best opportunity to reduce damage while providing low impacts on non-target species, 4) balances the economic effects to agricultural and natural resources, and property, and 5) allows WS to meet its obligations to government agencies or other entities.

Monitoring

The Ohio WS program will annually review its impacts on pigeons, starlings, house sparrows, blackbirds, crows and other species addressed in the EA each year to ensure that WS program activities do not impact the viability of target and non-target wildlife species. In addition, the EA will be reviewed each year to ensure that it and the analysis are sufficient.

Public Involvement

The pre-decisional EA was prepared and released to the public for a 34-day comment period by a legal notice in the *The Plain Dealer*, *The Cincinnati Enquirer*, and *The Columbus Dispatch*. The legal notice was placed in each paper on September 30, 2003. A letter of availability for the pre-decisional EA was also mailed directly to agencies, organizations, and individuals with probable interest in the proposed program. Five comment documents were received from the public after review of the pre-decisional EA. All comments were analyzed to identify substantial new issues, alternatives, or to re-direct the program. Based upon these comments, several minor changes have been incorporated into the EA. These changes enhanced the understanding of the proposed program, but did not affect the analysis provided in the EA. All letters are maintained in the administrative file located at the Ohio Wildlife Services State Office, 6929 American Parkway, Reynoldsburg, OH 43068.

Major Issues

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

- Effects on Target Bird Populations
- Effects on Other Wildlife Species, including T&E Species
- Effects on Human Health and Safety
- Impacts to Stakeholders, including Aesthetics
- Humaneness and Animal Welfare Concerns of Methods Used

Affected Environment

The areas of the proposed action could include areas in and around buildings and parks, bridges, industrial sites, urban/suburban woodlots, or at any other sites where birds may feed, roost, loaf, or nest. Damage management activities could be conducted at agricultural fields, vineyards, orchards, farmyards, dairies, ranches, livestock operations, grain mills, and grain handling areas (e.g., railroad yards) where birds destroy crops, feed on spilled grains, or contaminate food products for human or livestock consumption. Additionally, the area of the proposed action could include airports, landfills, and surrounding property where birds represent a threat to aviation safety and human health and safety. The proposed action may be conducted on properties held in private, local, state or federal ownership.

Alternatives That Were Fully Evaluated

The following four alternatives were developed to respond to the issues. Four additional alternatives were considered but not analyzed in detail. Appendix B of the EA provides a description of the methods that could be used or recommended by WS under each of the alternatives. A detailed discussion of the effects of the Alternatives on the issues is described in the EA; below is a summary of the Alternatives.

Alternative 1: Technical Assistance Only (No Action)

Under this alternative WS would continue to only provide technical assistance and make recommendations when requested. This alternative would not allow for WS operational BDM in Ohio. Producers, property owners, agency personnel, or others could conduct BDM using any legal lethal or non-lethal method available to them. Currently, DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by others would be illegal. However, the restricted use pesticide, Starlicide, is similar to DRC-1339 and may be used by certified applicators. Avitrol could also be used by state certified restricted-use pesticide applicators.

Alternative 2: Integrated Bird Damage Management Program (Proposed Action)

The proposed action is to implement a feral pigeon, European starling, English sparrow, blackbird (red-winged blackbird, brown-headed cowbird, common grackle), and American crow damage management program in the State of Ohio. An IWDM approach would be implemented to reduce damage activities to property, agricultural and natural resources, livestock, and human health and safety. Damage management would be conducted on property in Ohio when the resource owner (property owner) or manager requests assistance. An IWDM strategy would be recommended and used, encompassing the use of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on humans, target and non-target species, and the environment. Under this action, WS could provide technical assistance and direct operational damage management, including non-lethal and lethal management methods by applying the WS Decision Model (Slate et al. 1992). When appropriate, physical exclusion, habitat modification or harassment would be recommended and utilized to reduce damage. In other situations, birds would be removed as humanely as possible using: shooting, trapping, and registered pesticides. In determining the damage management strategy, preference would be given to practical and effective non-lethal methods. However, non-lethal methods may not always be applied as a first response to each damage problem. The most appropriate response could often be a combination of non-lethal and lethal methods, or there could be instances where application of lethal methods alone would be the most appropriate strategy.

Alternative 3: Non-lethal Bird Damage Management Only by WS

This alternative would require WS to use non-lethal methods only to resolve bird damage problems. Persons receiving WS' non-lethal technical and direct control assistance could still resort to lethal methods that were available to them. Currently, DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by others would be illegal. However, the restricted use pesticide, Starlicide, is similar to DRC-1339 and may be used by certified applicators. Avitrol could also be used by state certified restricted-use pesticide applicators.

Alternative 4: No Federal WS Bird Damage Management

This alternative would eliminate WS Federal involvement in BDM in Ohio. WS would not provide direct operational or technical assistance and requesters of WS' assistance would have to conduct their own BDM without WS input. Information on BDM methods would still be available to producers and property owners through other sources such as USDA Agricultural Extension Service offices, universities, or pest control organizations. DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. However, the restricted use pesticide, Starlicide, is similar to DRC-1339 and may be used by certified applicators. Avitrol could also be used by state certified restricted-use pesticide applicators.

Alternative Considered but not Analyzed in Detail:

Lethal Bird Damage Management Only By WS

Under this alternative, WS would not conduct any non-lethal control of birds for BDM purposes in the State, but would only conduct lethal BDM. This alternative was eliminated from further analysis because some bird damage problems can be resolved effectively through non-lethal means. Additionally, lethal methods may not always be available for use due to safety concerns or local ordinances prohibiting the use of some lethal methods, such as the discharge of firearms. For example, a number of damage problems involving the encroachment of injurious birds into buildings can be resolved by installing barriers or repairing of structural damage to the buildings, thus excluding the birds. Further, damage situations such as large flocks of injurious birds on/near runways could not be removed immediately by lethal means, while scaring them away through various harassment devices might resolve the threat to passenger safety immediately.

Compensation for Bird Damage Losses

The compensation alternative would require the establishment of a system to reimburse persons impacted by bird damage. This alternative was eliminated from further analysis because no Federal or state laws currently exist to authorize such action. Under such an alternative, WS would not provide any direct control or technical assistance. Aside from lack of legal authority, analysis of this alternative in the ADC Final EIS indicated that the concept has many drawbacks (USDA 1997):

- It would require larger expenditures of money and labor to investigate and validate all damage claims to determine and administer appropriate compensation.
- Compensation would most likely be less than full market value. Responding in a timely fashion to all requests to assess and confirm damage would be difficult and certain types of damage could not be conclusively verified. For example, proving conclusively in individual situations that birds were responsible for disease outbreaks would be impossible, even though they may actually have been responsible. Thus, a compensation program that requires verification would not meet its objective for mitigating such losses.
- Compensation would give little incentive to resource owners to limit damage through improved cultural, husbandry, or other practices and management strategies.
- Not all resource owners would rely completely on a compensation program and unregulated lethal control would most likely continue as permitted by state law.
- Compensation would not be practical for reducing threats to human health and safety.

Short Term Eradication and Long Term Population Suppression

An eradication alternative would direct all WS program efforts toward total long term elimination of bird populations on private, state, local and Federal government lands wherever a cooperative program was initiated in the State.

In Ohio, eradication of native bird species (the European starling, English sparrow, and feral domestic pigeon are not native to North America) is not a desired population management goal of state agencies. Although generally difficult to achieve, eradication of a local population of feral domestic pigeons, English sparrows or European starlings may be the goal of individual BDM projects in fulfillment of Executive Order 13112 regarding Invasive Species. Population suppression may be desired for feral domestic pigeons, English sparrows and European starlings since they are not native to North America and are only present because of human introduction. However, eradication as a general strategy for managing bird damage will not be considered in detail because:

- All state and Federal agencies with interest in, or jurisdiction over, wildlife oppose eradication of any native wildlife species;
- Eradication is not acceptable to most people; and
- Blackbirds and European starlings are migratory and eradication would have to be targeted at the entire North American populations of these species to be successful. Such a program would not be feasible or desirable.

Population suppression would direct WS program efforts toward managed reduction of certain problem populations or groups. In areas where damage can be attributed to localized populations of birds, WS can decide to implement local population suppression as a result of using the WS Decision Model. Furthermore, it is not realistic or practical to consider large-scale population suppression as the basis of the WS program. Typically, WS activities in the State would be conducted on a very small portion of the sites or areas inhabited or frequented by problem species. Problems with the concept of suppression are similar to those described above for eradication.

Use of Bird-proof Feeders in Lieu of Lethal Control at Dairies and Cattle Feeding Facilities

Bird-proof feeders were proposed by Animal Protection of New Mexico (APNM), Inc. as a method for excluding birds at dairies and cattle feeding facilities in that State. This method would involve the installation of 1/8" thick steel panel feed troughs, covered by parallel 4-6" spaced steel cables or wires running from the outer top edge of the trough up at a 30-45 degree angle to the top of the head chutes that cattle use to access the feed. Vertical canvas strips would be hung from the cables. The feeder was reportedly designed for use with horses. A copy of a diagram of this system was sent to Mr. Jim Glahn, Bird Control Research Biologist at the WS-National Wildlife Research Center (NWRC), who has nearly 12 years of experience researching problems caused by European starlings at livestock feeding operations. He found the following:

- A major flaw in the design is the spacing of the cables at 4-6" which would allow European starlings to drop through. Reducing the spacing to 2" as recommended by Johnson and Glahn (1994) would likely interfere with the delivery of feed to the troughs. Interference

would occur because the feed mixture currently used by most dairies is a mixture of chopped alfalfa hay and corn silage with a grain component. The alfalfa/corn silage portion would likely hang up on the cable or wire strands of the troughs and much would fall outside the troughs, with increased feed waste a result (Twedt and Glahn 1982); and

- the spacing of the canvas strips is not specified, and canvas would deteriorate quickly from cattle licking and weather (Twedt and Glahn 1982).

Mr. Glahn expressed the opinion, based on Twedt and Glahn (1982) and Feare (1984), that exclusion methods to reduce starling depredations at livestock feeding operations are usually the least cost-effective solution. Despite the above concerns about the bird-proof feeder system recommended by APNM, Inc., similar types of systems could be recommended by WS under the current program should any become available that are effective, practical, and economically feasible for producers to implement.

Many dairy operations in Ohio use free-stall barns where livestock feed is distributed on the ground on either side of a lane that runs through the center of the barn and cattle are gated to either side. These barns allow for equipment to spread feed and clean up easily each day. This type of barn does not accommodate bird proof feeders; however, many operations do close their doors during the colder months, thus reducing the presence of birds. In some situations these barns are vented to allow for ventilation in the barns, which also allows birds to enter and exit even when doors are closed. Netting is recommended in these situations; however, the netting may impede the flow of air through the vents.

Finding of No Significant Impact

The analysis in the EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Bird damage management as conducted by WS in Ohio is not regional or national in scope.
2. The proposed action would pose minimal risk to public health and safety. Risks to the public from WS methods were determined to be low in a formal risk assessment (USDA 1997, Appendix P).
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected. Built-in mitigation measures that are part of WS's standard operating procedures and adherence to laws and regulations will further ensure that WS activities do not harm the environment.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would


not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.

6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through this assessment. The EA discussed cumulative effects of WS on target and non-target species populations and concluded that such impacts were not significant for this or other anticipated actions to be implemented or planned within the State.
8. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources.
9. WS has determined that the proposed program would not adversely affect any Federally listed threatened or endangered species. This determination is based on the conclusions made by the USFWS during their 1992 programmatic consultation of WS activities and subsequent Biological Opinion (USDA 1997, Appendix F); and a no effect determination by WS on those T&E species not included in the 1992 Biological Opinion. In addition, WS has determined that the proposed project would not adversely affect any Ohio State listed threatened or endangered species.
10. The proposed action would be in compliance with all federal, state, and local laws.

Decision and Rationale

I have carefully reviewed the Environmental Assessment prepared for this proposal and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 2 (Integrated Bird Damage Management Program (Proposed Action)) and applying the associated mitigation measures discussed in Chapter 3 of the EA. Alternative 2 is selected because (1) it offers the greatest chance at maximizing effectiveness and benefits to resource owners and managers while minimizing cumulative impacts on the quality of the human environment that might result from the program's effect on target and non-target species populations; (2) it presents the greatest chance of maximizing net benefits while minimizing adverse impacts to public health and safety; and, (3) it offers a balanced approach to the issues of humaneness and aesthetics when all facets of these issues are considered. The comments identified from public involvement were minor and did not change the analysis. Therefore, it is my decision to implement the preferred alternative as described in the EA.

Copies of the EA are available upon request from the Ohio Wildlife Services State Office, 6929 American Parkway, Reynoldsburg, OH 43068.



Charles S. Brown, Regional Director
APHIS-WS Eastern Region

Date

1/6/04

Literature Cited:

- Feare, C., A.J. Isaacson, P.A. Sheppard, and J.M. Hogan. 1981. Attempts to reduce starling damage at dairy farms. *Protection Ecol.* 3(2):173-181.
- Johnson, R. J. and J.F. Glahn. 1994. European starlings. Pages E-109 - E-120 *in* S. E. Hygnstrom, R. M. Timm and G. E. Larson (eds.) Prevention and Control of Wildlife Damage. Univ. Nebraska and USDA-APHIS-WS and Great Plains Agric. Council Wildl. Comm., Lincoln, Nebr.
- Slate, D. A., R. Owens, G. Connolly, and G. Simmons. 1992. Decision making for wildlife damage management. *Transactions of the North American Wildlife and Natural Resources Conference* 57:51-62.
- The Wildlife Society. 1992. Conservation policies of The Wildlife Society: A stand on issues important to wildlife conservation. The Wildlife Society, Bethesda, Md. 24pp.
- Twedt, D.J., and J.F. Glahn. 1982. Reducing starling depredations at livestock feeding operations through changes in management practices. *Proc. Vertebr. Pest Conf.* 10:159-163.
- USDA (U. S. Department of Agriculture), (APHIS) Animal and Plant Health Inspection Service, (ADC) Animal Damage Control Program. 1997 (revised). Final Environmental Impact Statement. USDA, APHIS, ADC Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737.